



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,902	10/30/2001	Sanguthevar Rajasekaran	020967-002020US	5784
20350	7590	08/09/2007		
TOWNSEND AND TOWNSEND AND CREW, LLP			EXAMINER	
TWO EMBARCADERO CENTER			PARTHASARATHY, PRAMILA	
EIGHTH FLOOR				
SAN FRANCISCO, CA 94111-3834			ART UNIT	PAPER NUMBER
			2136	
			MAIL DATE	DELIVERY MODE
			08/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

94

Office Action Summary	Application No.	Applicant(s)	
	10/015,902	RAJASEKARAN ET AL.	
	Examiner	Art Unit	
	Pramila Parthasarathy	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 4 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 June 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-64 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-64 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on June 04, 2007 has been entered and made of record.

Response to Arguments

2. Applicant's arguments filed on June 04, 2007 have been fully considered.

With respect to 35 USC 112 rejection, "wherein said candidate secret key comprises a pseudo-valid secret" in amended independent claims overcomes previous rejection. Examiner withdraws previous rejection.

With respect to amended and new Claims, applicant primarily argues that Eldridge (U.S. Patent 6,061,799) does not teach or suggest all the claim limitations are recited in amended independent claims. This argument is persuasive. Prior art rejection is hereby withdrawn.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1 – 64 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 52 of U.S. Patent No. 6,263,446. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 64 correspond to the claims of 1 – 52 of the patent claims, except in the instant claims the element “wherein said candidate secret comprises a pseudo-valid secret configured to camouflage said secret if said candidate password is not said password” and “said candidate secret has the structural form of a private key”, is referred in the patent claims as “said server is configured to store said authentication credential in cryptographically camouflaged form”.

Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such

are unpatentable for obvious-type double patenting (*In re Goodman* (CAFC) 29 *USPQ2d* 2010 (12/3/1993)).

5. Claims 1 – 64 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 12 of U.S. Patent No. 6,956,950. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 64 correspond to the claims of 1 – 12 of the patent claims, except in the instant claims the element “wherein said candidate secret comprises a pseudo-valid secret configured to camouflage said secret if said candidate password is not said password” and “said candidate secret has the structural form of a private key”, is referred in the patent claims as “wherein a pseudo-key is a key that conforms to the predetermined key format but does not match the private key”.

Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman* (CAFC) 29 *USPQ2d* 2010 (12/3/1993)).

6. Claims 1 – 64 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4 – 20, 23 – 31, 34 – 43 of copending Application No. 09/874,795. Although the conflicting claims

are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 64 correspond to the claims of 1, 4 – 20, 23 – 31, 34 – 43 of the copending application claims, except in the instant claims element “wherein said candidate secret comprises a pseudo-valid secret configured to camouflage said secret if said candidate password is not said password” and “said candidate secret has the structural form of a private key”, is referred in the copending claims as “generation-camouflaging at least a portion of said access-controlled datum such as to be reproducible by an authorized user . . . , wherein an incorrect datum is entered reproducing an invalid generation-camouflaged datum comprising said appearance of the user’s access-controlled datum, wherein said output datum is a function of the input access code”.

Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman* (CAFC) 29 USPQ2d 2010 (12/3/1993).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
August 05, 2007.

A handwritten signature in black ink, appearing to read "Pramila Parthasarathy", is written over the date "August 05, 2007".